

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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MICHAEL J. LINDELL et al.,

Plaintiffs-Appellants,

v.

UNITED STATES OF AMERICA et al.,

Defendants-Appellees.

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On Appeal from the United States District Court  
for the District of Minnesota

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**APPELLANTS' MOTION TO EXPEDITE APPEAL  
AND OPPOSITION TO APPELLEES' MOTION  
FOR AN EXTENSION OF TIME TO FILE BRIEF**

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## **APPELLANTS' MOTION TO EXPEDITE APPEAL**

Appellants respectfully request that the Court expedite this appeal by setting the matter for oral argument at its earliest convenience after briefing is concluded, either at the first available calendar following the conclusion of briefing or through a special setting. Appellees oppose the relief sought in this motion.

The appeal was taken from the order of the district court denying Appellants' motion for preliminary injunction. The action was brought to challenge the initiation of a criminal investigation of the making of a forensic image of the Mesa County election management system ("EMS") server in May 2021 and the issuance of a search and seizure warrant for Appellants' cellphone. The complaint charged, among other things, that Appellees' decisions to launch the investigation and to obtain the warrant were made in bad faith for the purpose of punishing Appellants for publishing information about the forensic image, particularly the conclusions of experts who examined the forensic image. Another count asserts that the warrant constituted a general warrant in violation of the Fourth Amendment. The issues raised in this appeal relate to the asserted violations of the First and Fourth Amendments.

Appellants are being investigated for possible violations of 18 U.S.C. §§ 1028(a)(7) and 1030(a)(5)(A), neither of which justifies the investigation. This appeal should be decided as promptly as possible so that, if the Court determines

that the investigation should have been preliminarily enjoined, Appellant will not have been subjected to a prolonged investigation before the merits of the litigation are resolved.

**APPELLANTS' OPPOSITION TO APPELLEES'  
MOTION FOR A 30-DAY EXTENSION OF TIME  
TO FILE THE GOVERNMENT'S RESPONSE BRIEF**

Appellants oppose Appellees' Motion for a 30-Day Extension of Time to File the Government's Response Brief. As noted in the preceding section, this proceeding involves Appellants' claim that Appellees are acting in bad faith and violating Appellants' First Amendment rights to freedom of speech, freedom of association, freedom of the press, and the right to petition for the redress of grievances by using their investigatory power to punish Appellants for publishing expert reports concluding that software installed on the Mesa County EMS server was unauthorized and allows for the manipulation of ballots previously cast. This appeal raises a significant issue about the Government's abuse of power that deserves prompt resolution. The prolongation of this appeal process would enable Appellees to extend their violation of Appellants' First Amendment rights.

The Department of Justice has already had seven lawyers formally involved in this litigation. With its resources, the Department can surely comply with the present briefing schedule.

Respectfully submitted,

MICHAEL J. LINDELL  
MYPILLOW, INC.

*/s/ Patrick M. McSweeney*

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